UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAULLETO ROGERS,

        Plaintiff,   Case Number 16-10532

v.   Honorable David M. Lawson
                                                   Magistrate Judge Stephanie Dawkins Davis

DEBRA GREEN,

        Defendant.

_____/

ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING CASE FOR FAILURE TO PROSECUTE

This matter is before the Court on the report issued on January 11, 2017 by Magistrate Judge Stephanie Dawkins Davis pursuant to 28 U.S.C. § 636(b), recommending that the Court dismiss the case *sua sponte* for want of subject matter jurisdiction, under the authority of Federal Rule of Civil Procedure 12(b)(1), or, in the alternative, for failure to prosecute under Rule 41(b). Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #18] is **ADOPTED**.

It is further **ORDERED** that the case is **DISMISSED** for failure to prosecute under Federal Rule of Civil Procedure 41(b).

It is further **ORDERED** that the defendant's motion to dismiss [dkt. #13] is **DISMISSED**

as moot.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 14, 2017

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PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served
upon each attorney or party of record herein by electronic means or first
class U.S. mail on February 14, 2017.

s/Susan Pinkowski
SUSAN PINKOWSKI

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